IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.APPLN.NO.441 OF 2006
IN
CRI.APPEAL NO. 412 OF 2006

1. Karbhari Daga Ahire
2. Devidas Daga Ahire
3. Sakhubai Daga Ahire
4. Shaila Karbhari Ahire
@ Shaila Ragho Shewale ..Applicants

Vs.

The State of Maharashtra ..Respondents

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Mr.J.S.Deo Advocate for Applicants
Mrs.U.V.Kejariwal A.P.P. for State

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CORAM: D.G.DESHPANDE AND SMT.V.K.TAHILRAMANI,JJ.

DATE : APRIL 25,2006

ORAL ORDER (PER SMT.V.K.TAHILRAMANI,J.):

1. Heard learned advocate for the applicants i.e. original accused nos.1 to 4 and learned A.P.P. for the State.

2. The present applicant is being considered only in respect of applicant Nos. 3 and 4 who are original accused nos.3 and 4. As far as applicant Nos. 1 and 2 are concerned, liberty is granted to

them to prefer a fresh application for bail after annexing the evidence of relevant witnesses.

3. As far as applicant No.3 Sakhubai Karbhari Ahire and applicant No.4 Shaila Karbhari Ahire is concerned, both of them are ladies. Applicant No.4 Shaila has a minor child i.e. a son who is aged 4 years. Applicant No.3 Sakhubai is aged over 50 years. The learned advocate for the applicants has stated that both the applicant nos.3 and 4 were on bail during the trial and they have not misused the liberty granted to them. This statement has not been controverted by the prosecution.

4. It is the prosecution case that deceased Shobha was set on fire by all the accused. The present case is based on two dying declarations. There are no eye witnesses to the incident. As far as dying declaration Exhibit-23 is concerned, deceased Shobha has not attributed any role of pouring kerosene on her to any of these two applicants. As far as the fact of setting on fire is concerned, in this dying declaration, Shobha has stated that she does not know who set her on fire. As far as the other dying declaration is concerned i.e.

Exhibit-34, deceased Shobha had not attributed any specific role to any of these two applicants. In this view of the matter and in view of the facts reflected in para 3 above, we are inclined to grant bail to both the applicant Nos.3 and 4.

5. Each of the applicant Nos.3 and 4 i.e. applicant no.3 Sakhubai Daga Ahire and applicant no.4 Shaila Karbhari Ahire to be released on bail in the sum of Rs.15,000/- each with one or two sureties to make up said amount.

6. Application is disposed of in the above terms.

[D.G.DESHPANDE, J.]

[SMT.V.K.TAHILRAMANI,J.]